

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

RUSSELL E. NEWKIRK, M.D., and
LISLE A. EATON, JR., M.D.,

Plaintiffs,

-against-

CLINOMICS BIOSCIENCES, INC.; CYTOMYX
HOLDINGS, PLC a/k/a CYTOMYX HOLDINGS
GROUP,

Defendants.

**NOTICE OF
DISMISSAL**

06-CV-0553
GLS-RFT

PLEASE TAKE NOTICE that pursuant to Rule 41(a)(1) of the Federal Rules of Civil Procedure, plaintiffs Russell E. Newkirk, M.D., and Lisle A. Eaton, Jr., M.D., hereby voluntarily dismiss, without prejudice, the within action against the defendant Clinomics Biosciences, Inc.

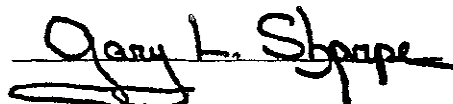
DATED: December 5, 2006



MARK T. WALSH, ESQ., Bar Roll No. 102781
GLEASON, DUNN, WALSH & O'SHEA
Attorneys for Plaintiffs
Office and P.O. Address
40 Beaver Street
Albany, New York 12207
(518) 432-7511

TO: David E. Lurie, Esq.
Karen E. Friedman, Esq.
LURIE & KRUPP, LLP
Attorneys for Defendant Cytomyx
One McKinley Square
Boston, MA 02109
(617) 367-1970

SO ORDERED:



U.S. District Judge
Date: 12/7/06

TO: William A. Hurst, Esq.
HISCOCK & BARCLAY
Local Counsel for Defendant Cytomyx
50 Beaver Street
Albany, NY 12207-2830
(518) 429-4293